

Inventors: Tononi et al.  
Serial No.: 09/733,607  
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NOS:1-27, as it relates to the elected group. In a telephone conference with Applicants' representative and Examiner Holbrooke, it was agreed that if any of Groups III, IV or V were elected, a named vigilance gene listed in the Markush group could alternatively be elected.

Applicants elect, with traverse, the vigilance gene "BiP" within elected Group IV. The traversal is on the ground that the vigilance genes recited in the Markush grouping are more properly related as species embraced by generic claims 12 and 13. Applicants remind the Examiner that under 37 C.F.R. § 1.141(a) and 1.146, a reasonable number of species of an invention may be claimed in a single application if the generic claim is allowable. It is respectfully submitted that it would not be an undue burden on the office, once claims 12 and 13 have been thoroughly searched as they relate to BiP, to continue to search claims 12 and 13 as they encompass other recited vigilance genes. Accordingly, reconsideration of the second election requirement as a species election is respectfully requested.

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The Examiner is invited to call Cathryn Campbell or the undersigned agent if there are any questions relating to this application.

Respectfully submitted,

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Date

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